IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION No. 24111 of 2004

Between:

Gram Panchayat, Kattupalem, Yelamanchili Mandal,
Visakhapatnam district, rep by its Sarpanch,
Panduri Srinivasa Rao, Kattupalem.

..... PETITIONER

AND

1 The Head-Master, MPUT School, Kattupalem, Yelamanchili Mandal, Visakhapatnam District
2 Panchayatraj Deputy Engineer, Panchayatraj Department,

Yelamanchili, Visakhapatnam District
3 The Chairman School Committee, MPUP School,
Kattupalem, Yelamanchili Mandal, Visakhapatnam District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction, particularly one in the nature of writ of Mandamus, declaring the action of the respondents in demolishing the toilets constructed by the petitioner-gram panchayat and handed over to the MPUP School, Kattupalem, Yelamanchili Mandal, Visakhapatnam district, and in making construction of a building in the said place without obtaining the permission of the petitioner-gram panchayat, as required by the Gram Panchayat Act and Rules, as illegal, arbitrary and unwarranted, and consequently direct the respondents to demolish/remove the portion already constructed by them in that place.

Counsel for the Petitioner: Mr.H.S.DORA

Counsel for Respondents : G.P. FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following:

ORDER:

The petitioner is Kuttupalem Gram Panchayat. It is represented by its Sarpanch. The petitioner states that the Gram Panchayat constructed public utility and handed over the same in the month of January, 2004 to respondent No.1-M.P.U.P. School for the convenience of the children studying in it. While so, the petitioner states that the respondents without intimating them and without obtaining permission, demolished the public utility, and started construction of a building in the said place. The said action of the respondents, according to the petitioner, is illegal and arbitrary. Hence, the petitioner filed this writ petition praying, the following relief:

To issue a writ, or order or direction, particularly one in the nature of Writ of Mandamus declaring the action of the respondents in demolishing the toilets constructed by the petitioner Gram Panchayat and handed over to the M.P.U.P. School, Kattupalem, Yelamanchili mandal, Visakhapatnam district and in making construction of a building in the said place without obtaining the permission of the petitioner-Gram Panchayat as required by the Gram Panchayat Act and Rules, as illegal, arbitrary and unwarranted and consequently direct the respondents to demolish/remove the portion already constructed by them in that place.

If respondent No.1-M.P.U.P. School is constructing the building without obtaining permission, the petitioner being a local-self government, and equipped with necessary powers to vouch against illegal constructions, if any, that are being made within its jurisdiction, it is always open for them to take appropriate action for removal of the unauthorized construction, but certainly, it cannot maintain a writ petition, seeking a direction to the respondents to demolish the constructions being made by them.

The writ petition is misconceived, and the same is accordingly dismissed.

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N.V.RAMANA, J

Date: 23.12.2004

DA

To

1 The Head-Master, MPUT School, Kattupalem, Yelamanchili Mandal, Visakhapatnam District
2 Panchayatraj Deputy Engineer, Panchayatraj Department,

Yelamanchili, Visakhapatnam District
3 The Chairman School Committee, MPUP School, Kattupalem, Yelamanchili Mandal, Visakhapatnam District

4 Two CCs to the G.P. for Panchayat Raj, High Court Buildings, Hyderabad (OUT).

5 Two CD copies.